

MEMO ENDORSED

Rubin, Fiorella, Friedman & Mercante LLP

Attorneys at Law

630 Third Avenue, 3rd Floor

New York, New York 10017

Telephone: (212) 953-2381 / Facsimile: (212) 953-2462

Writer's Direct Dial: 212-447-4615

E-Mail: DScheller@RubinFiorella.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/8/2023

August 7, 2023

VIA ELECTRONIC FILING

Honorable Judge Valerie E. Caproni, USDJ

United States Judge

U.S. District Court, Southern District of New York

40 Foley Square Courthouse

40 Foley Square

Manhattan, NY 10007

Re: *NTI Ltd. v. Maersk Inc. et al.*

Docket No: 23-cv-03458-VEC

Our File No: 1148.51391

Dear Judge Caproni,

We represent plaintiff NTI Ltd. in the above-referenced admiralty matter. We write to request an adjournment of the Initial Pretrial Conference set for August 11, 2023 in accordance with Your Honor's Individual Practices in Civil Cases rule 2(C). The reason for the proposed third adjournment and delay in submitting the parties' Case Management Plan is that defendants Maersk Inc. and Maersk A/S have yet to file answers to plaintiff's Complaint, a deadline which expires on August 14, 2023. This is a Carriage of Goods by Sea Act matter, and plaintiff filed the instant Complaint to protect its claim from time bar. On July 17, 2023, plaintiff requested issuance of summons [ECF ## 8 & 9] for both defendants which were issued by this Court on July 18, 2023 [ECF ## 10 & 11]. Plaintiff served the Complaint and Summons on both defendants on July 24, and filed the affidavits of service with this Court [ECF ## 14 & 15].

The original date of the Initial Pretrial Conference is June 23, 2023, which was adjourned to July 28, 2023, and then to August 11, 2023. This is the third such request for adjournment of the Conference. As defendants have yet to appear in this matter, we were unable to obtain consent for this third adjournment request. To allow defendants time to file answers to plaintiff's Complaint and summons, we propose that the Initial Pretrial Conference be adjourned until after

defendants answer the Complaint and summons. At which time, plaintiff will write to request the court set an Initial Pretrial Conference and the parties will submit a joint discovery plan.

Respectfully submitted,

Douglas K. Scheller, Jr.

Douglas K. Scheller, Jr.

Application GRANTED in part.

The Initial Pretrial Conference scheduled for August 11, 2023, is hereby ADJOURNED to **Friday, August 25, 2023 at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' joint letter and proposed Case Management Plan are due no later than **August 17, 2023**, a date which falls after Defendants' response deadline. For contents of the joint submission, please see docket entry 4.

Plaintiff is directed to serve a copy of this Endorsement on Defendants and file proof of service no later than **August 10, 2023**. Plaintiff is further reminded of its obligation to adhere to this Court's orders, irrespective of whether Defendants have formally appeared in this case.

SO ORDERED.



Date: 8/8/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE